



## City of La Habra Heights

1245 No. Hacienda Blvd.  
La Habra Heights, CA 90631  
(562) 694-6302

### NOTICE OF ADMINISTRATIVE DECISION STANDARDS MODIFICATION FILE NO. PRJ 2006-03

**Applicant:** Kwang S. Lee  
1662 7601 Commonwealth Avenue  
Buena Park, CA 90621

**Owner:** Kwang S. Lee

**Location:** 1662 N. Hacienda Road

**Request:** Standards Modification (SM) for Building Design to exceed the 1500 square foot building area and 16 feet in height limitation for the construction of a 4,993 square foot single family residence and guest house.

#### **Information:**

Assessor's Parcel No.: 8239-019-006  
Zoning: RA-1 (Residential Agricultural – 1 acre minimum lot size)  
General Plan: R (Rural)

#### **Summary**

The 7.49 acre site and is currently un-developed. The proposed development is 4,993 square feet in size. The development includes:

<u>Existing</u>	<u>Proposed</u>
First Story	1,286 square feet
Second Story	1,520 square feet
Garage and Storage	1,299 square feet
Guest House	638 square feet
Total	4,993 square feet
Driveway	3,360 square feet
Total Hardscape	7,880 square feet

The proposed project provides parking spaces on-site and is in accordance with the residential parking requirements.

The building height for the main residence is 34' measured from finish grade to the highest roof peak

and is in compliance with the required measurement of 40 feet. The building envelope is 26.8' measured from the natural grade to the highest point of the structure measurement measured perpendicular from the natural grade and is in compliance with the 30' requirement. The building height for the guest house is 13'8" measured from the finished grade to the highest roof peak and is in compliance with the required measurement of 16 feet. The building envelope is 9 feet measured from the natural grade to the highest point of the structure measurement measured perpendicular from the natural grade and is in compliance with the 25 foot requirement.

The proposed project has been reviewed environmentally and a categorical exemption has been issued.

### **Analysis**

In reviewing the proposed development, the Community Development Director is guided by the criteria for Standards Modification for Building Design listed below:

#### **Building Design**

1. The requested modification will not result in an adverse impact related to community or neighborhood character, and will not result in a development that appears significantly larger or more massive than nearby structures.
  - The proposed development is a two story structure on a 7.49 acre site. Most structures in this neighborhood are two story structures. There will not be an adverse impact by this development as the development will be masked and screened to lessen the effects of the development.

#### **Standards Modification**

2. The requested modification will not significantly impair the neighbors' privacy or enjoyment of their properties.
  - The modification will not impair the neighbor's privacy or enjoyment as there are great distances between homes in this area.
3. The requested modification will not significantly impair : a) a primary view, or b) a distant view from a public street or right of way.
  - The existing structure sits about 235 feet from Hacienda Road. It is at a higher elevation. The proposed development will not impact any primary views or distant views from the public street or right of way and will be masked and screened.
4. The requested modification will blend into the natural setting and will not result in an appearance that is significantly altered from one of pastoral or natural features to one primarily of man-made features.
  - The proposed development site is behind mature landscaping that is not proposed to be removed. The buildings will blend into the natural setting with new landscape screening

proposed..

5. The strict adherence to the standards will:
  - a. Exacerbate an existing nonconformity; or
    - There are no current nonconformities on this property and the development plans do not propose to create any nonconformities.
  - b. Lead to cumulative adverse environmental impacts including, but not limited to, additional grading or other development more detrimental to neighborhood or community character; or
    - There are no cumulative adverse environmental impacts as the proposed development is well below any of the maximum triggers in the Municipal Code and a Categorical Exemption is to be issued.
  - c. Not preserve or enhance community or neighborhood character; or
    - The development plans including the landscape plans to mask and screen the development to enhance the neighborhood character.
  - d. Impose an economic burden that is disproportionate in relation to the impact of the modification being sought.
    - The modification being sought is fairly minimal for the size of the lot, the economic burden of a denial would not be equitable with the other developments in the neighborhood.
6. Existing nonconformities will not be exacerbated by the requested modification and, to the extent practical, have been mitigated to conform to the Performance Standards of this Municipal Code.
  - There are no nonconformities with the current lot.
7. Conditions of approval will mitigate any adverse effects to the degree required to ensure conformance with the Performance Standards applicable to the requested Standards Modification.
  - The Conditions of Approval will mitigate any adverse impacts to ensure conformance with the Performance Standards for a Standards Modification for Building Design.

### **Environmental Assessment**

The proposed project has been reviewed environmentally and a Categorical Exemption has been issued in accordance with the requirements of the California Environmental Quality Act (CEQA) and the City's Environmental Guidelines.

### **Conditions of Approval**

The Community Development Department hereby issues approval of PRJ (Project) 2006-03 for a Standards Modification for Building Design for view preservation to exceed the 16 foot in height trigger for construction of a single family residence and guest house subject to the following conditions:

#### Planning Department

1. The final architectural and precise grading plans subsequently submitted to the Building Department must conform to the design upon which this approval was based or the project will require re-submittal to the Planning Department. ( LHHMC 8.2.30.D.3)
2. This written Community Development Department Administrative Approval shall be imported into the cover page of the Building Plan Check Submittal.
3. A property owner/applicant seeking a permit required by this Municipal Code shall allow the City access to any premises or property that is the subject of, or used in connection with, the permit. If the permit is granted, the owner or applicant shall allow the City continued access to the premises to determine compliance with any permit Conditions of Approval (LHHMC 8.3.20.E)
4. Exterior finish surfaces on structures shall consist of stucco, brick, non combustible siding, or similar material approved in the Building Official. Highly finished wood shall be restricted to ornament and areas subject to human contact such as railings. Building surfaces must not be shiny or reflective. Exterior color schemes shall not draw attention to themselves and must blend into the natural setting. (LHHMC 7.18.40.Q)
5. Metal Roofs that are reflective and/or create glare are prohibited. Exposed gutters, downspouts, flashing, sheet metal, vent stacks and pipes shall be painted or otherwise treated to match the architectural style of adjacent roofs or walls to minimize their visibility. Chimneys, cupolas, exposed wood beams, roof overhangs, and trellises consistent with the primary residential design are all acceptable and encouraged roof features as a means to break up a straight roof line. Skylights and solar panels are permitted but shall be integrated with the roof slope and architectural design of the building. (LHHMC 7.18.40.R)
6. Temporary erosion control measures shall be installed and maintained in good order until such time as the permanent controls are in place and shall be renewed annually prior to October 1st.
7. Indemnity: The City, its employees, agents and officials shall, to the fullest extent permitted by law, be fully protected from any loss, injury, damage, claim, lawsuit, expense, attorneys' fees, litigation expenses, court costs or any other costs arising out of or in any way related to any and all land use or development application approvals, including General Plan Amendments, Specific Plan Amendments, Zoning Map or Zoning Ordinance Text Amendment, Conditional Use Permits, Variances and Standards Modifications. Accordingly, the City shall impose as a condition of approval of any land use or development application that the applicant and owner or owners of the real property obtaining such approval shall, to the fullest extent permitted by law, defend, indemnify and hold harmless the City, its employees, agents and officials, from and against any liability, claims, suits, actions, arbitration proceedings, regulatory proceedings, losses, expenses or costs of any kind, whether actual, alleged or threatened, including, but not limited to, actual attorneys' fees, litigation expenses and court costs of any kind without restriction or limitation, incurred as a consequence of, arising out of or in any way attributable to, such approval, or the activities conducted pursuant

thereto. The real property owner(s) shall pay such obligations as they are incurred by the City, its employees, agents and officials, and in the event of any claim or lawsuit, shall submit a deposit in such amount as the City reasonably determines necessary in its discretion to protect the City from exposure to fees, costs of liability with respect to such claim or lawsuit. (LHHMC 7.19.90)

8. All outdoor light fixtures shall limit light trespass and glare through the use of shielding, directional lighting, timers, motion detectors, or other means to prevent skyward lighting. All exterior lights shall be designed, located, installed and directed to prevent objectionable light trespass or glare across property lines. Landscaping may be required in areas where plantings can reduce glare. External lighting fixtures must not create any objectionable light trespass or spillover impacts. This lighting may not remain on all night and if equipped with motion sensors must be adjusted so as not to create an annoyance. (LHHMC 7.6.50 B & C)

9. All utility services, including cable, must be placed underground. (LHHMC 7.14.40 R)

10. Prior to issuance of a Building Permit the applicant will submit 3 sets of Landscaping/Irrigation/Lighting Plans along with a check for \$350.00. The Plans must be reviewed and approved before permits may be issued.

### **Engineering Department**

11. Once the applicant is ready to submit plans to the Building Department for Plan Check the Grading Plans and Building Plans shall be submitted at the same time. Grading Permits and Building Permits will be issued at the same time.

12. The City Engineer shall review and approve the grading plan. The plan shall conform to the City's Grading Ordinance and Los Angeles County Building Code Standards.

13. A Geology and Soils Report shall be provided prior to the approval of Building and Grading plans. Uncompacted soils shall be regarded in accordance with Soils Engineer's recommendations and to the satisfaction of the City Engineer.

14. Obtain all necessary permits and approvals from the Building and Safety Department.

15. A Hydrology/Hydraulics study shall be provided for all shown culverts and basins to the satisfaction of the City Engineer.

16. A separate permit for the construction of the retaining wall shall be acquired from Building and Safety.

17. Erosion control plans shall be submitted for work between October 15 and April 15 of each year.

18. The applicant shall be required to submit a Standard Urban Water Mitigation Plan (SUSMP) per LACODPW requirements.

19. Prior to issuance of a building permit the applicant shall show that it is feasible to install the sewer lateral around the existing utilities in Hacienda Road to the satisfaction of the City

Engineer.

20. Prior to issuance of a building permit the applicant shall provide evidence to the Building Official that they have permission to connect to the sewer line in Hacienda Road.

Public Works Department

21. The property owner/applicant shall install a concrete rolled curb along the entire frontage of the property, parallel with the road as required by the Public Works Manager.

22. Under an Encroachment Permit all utilities, if necessary shall bore under the street. No cuts will be permitted to be made in Hacienda Road. The applicant shall submit a plan for all work in the City's Right of Way.

23. All costs associated with this project within the Public Right of Way shall be borne by the applicant.

24. A \$5,000 bond shall be posted for possible street damage. Where an applicant is required to provide adequate security to guarantee the faithful performance, proper completion and/or maintenance of any approved work and/or compliance with Conditions of Approval the following provisions apply:

A. The required security shall be in the form of a cash or equivalent deposit made payable to the City of La Habra Heights.

B. Required security shall be retained for the time period specified in the Conditions of Approval of the project. Where no such period is specified, required security shall be retained until the City determines the work, including ongoing maintenance obligations, has been completed or one (1) year after the date of final inspection, whichever is sooner.

C. Upon satisfactory completion of work and the approval of a final inspection the improvement and/ or maintenance security shall be released. However, failure to complete the work, failure to comply with all of the terms of any applicable approval or failure of the completed improvements to function properly shall entitle the City to recourse to the security. The City will collect from the applicant or security all costs incurred by the City, including the costs of completing any of the work and all administrative and inspection costs. Any unused portion of the deposit shall be refunded to the applicant.

25. Within the Public Right of Way and within six (6) feet of the road only ground cover will be planted not to exceed a height of 24 inches.

26. All contractors/sub contractors/consultants are to park their vehicles on the subject property. At no time will any vehicles be permitted to park or stage from the street. The applicant will follow the approved Truck Route Plan.

27. No drains are to be designed to allow water to be deposited on any City street.

28. Prior to issuance of a Building Permit the property owner and the contractor will schedule a Pre Construction Meeting with the Building Department.

#### Fire Department

29. All structures are to be placed on an Automatic Fire Sprinkler System, including all attic space. This system must be designed and install under a C16 license.

30. The City Council has designated every parcel within the boundaries of the City as being located in a Very High Fire Hazard Severity Zone as defined in Section 51175 et seq. of the Government Code.

31. The Fire Chief will be empowered to mandate a curtailment of certain activities during periods where the risk of fire, including wildfire, his higher than normal. Specific zones of a property are subject to fuel modification requirements. These fuel modification requirements are designed to lessen the potential for wildfire. Fire fuel modification zones will be installed and maintained around all structures pursuant to the following Fuel Modification Zone requirements.

1. Zone 1 extends to a minimum of thirty (30) feet from any structure. This zone is the fuel modification “wet zone” requiring fire resistant vegetation and irrigation systems. Land within this zone must be free of debris, dead wood, branches touching the ground, and other dry or dead vegetation.

2. Zone 2 extends from Zone 1 to a minimum of one hundred (100) feet from any structure, regardless of where such structure is located plus any area within 12 feet of the edge of the pavement on any public road or private residential access road. This zone requires either fire resistant and irrigated landscaping or other plant materials (including native species) thinned by a minimum of fifty (50) percent. Land within this zone must be free of debris, dead wood, branches touching the ground, and other dry or dead vegetation.

3. Zone 3 extends from Zone 2 to a minimum of two hundred (200) feet from any structure, regardless of where such structure is located. This zone requires either fire resistant and irrigated landscaping or other plan materials (including native species) thinned by a minimum of thirty (30) percent. Land within this zone must be free of debris, dead wood, branches touching the ground, and other dry or dead vegetation.

32. All habitable structures must be equipped with an automatic natural gas seismic shut-off valve.

33. The proposed development shall comply with Fire Zone 4 requirements.

#### Miscellaneous Conditions

34. Prior to Final and release for Occupancy the property owner will provide copies of As Built Plans in PDF form on a CD.

#### Appeal Process

With respect to Planning Commission, or Community Development Director as allowed, decisions on Conditional Use Permits, Standards Modifications, Variances or other discretionary land use and

development matters or any other decision for which an Appeal is expressly provided under this Code, a decision shall become final at five p.m. on the 11<sup>th</sup> business day next succeeding the date of the decision unless, prior to that hour, an Appeal to or Call for Review by the City Council or Planning Commission, as appropriate, is filed in writing in the office of the City Clerk.(LHHMC 8.6.20)

Please be advised that a Notice of Appeal shall be in writing and shall be filed in duplicate in the office of the City Clerk upon forms provided by the City. An Appeal from any order, requirement, decision, determination or interpretation by the Planning Commission or Community Development Director in the administration or enforcement of the provisions of this Code must set forth specifically where there was an error or abuse of discretion or where an application did meet or failed to meet, as the case may be those qualifications or standards set forth in this Code as prerequisite to the granting of any application. (LHHMC 8.6.20.C)

I no appeal is filed please removed your story poles and sign on July 3, 2008.

APPROVED THIS 19<sup>th</sup> DAY OF June 2008

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Justin Powers,  
Community Development Director